

The Honorable Ricardo Martinez

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE**

WASHINGTON ASSOCIATION
OF CHURCHES, et al.,
Plaintiffs,

v.

SAM REED, in his official capacity as
Secretary of State for the State of
Washington,
Defendant.

NO. CV06-0726RSM

STIPULATED FINAL ORDER
AND JUDGMENT

WHEREAS, Plaintiffs Washington Association of Churches, et al. brought this action on May 24, 2006, alleging that Washington State's "matching" statute, RCW 29A.08.107, violates the Help America Vote Act of 2002, the Voting Rights Act, and the U.S. Constitution; and

WHEREAS, Plaintiffs moved for an order preliminarily enjoining enforcement of RCW 29A.08.107, and the parties each submitted certain evidence supported by declarations; and

1 WHEREAS, the Court held oral argument on July 28, 2006; and

2 WHEREAS, on August 1, 2006, the Court issued an Order Granting Motion for
3 Preliminary Injunction; and

4 WHEREAS, pursuant to Rule 65(a)(2) of the Federal Rules of Civil Procedure, the
5 evidence received by the Court at the hearing on Plaintiffs' motion for a preliminary
6 injunction, as subsequently supplemented by later court order, would be admissible upon a
7 trial on the merits and would become part of the record on such a trial; and

8 WHEREAS, following discussion and consideration, the parties mutually stipulate to
9 the entry of this Order;

10 NOW THEREFORE,

11 Pursuant to the stipulation of the parties, the Court hereby finds and ORDERS as
12 follows:

13 1. Defendant, his employees, agents, representatives and successors in office are
14 permanently enjoined from enforcing RCW 29A.08.107 in such a way that any application
15 for voter registration is denied solely on the basis of a failure to match a voter's driver's
16 license number, state identification card number, or last four digits of a social security
17 number with information on record with the state Department of Licensing or federal Social
18 Security Administration, including by enforcement of RCW 29A.08.107(2) and (3). This
19 Order does not require Defendant to tabulate ballots or count votes cast by such voters absent
20 the completion of a matching process or the receipt of alternative identification by no later
21 than the day before certification of election results by the county canvassing board.

22 In accordance with the foregoing:

23 a. If the Defendant matches an applicant's driver's license number, state
24 identification card number, or last four digits of his or her social security number
25 with the records of the state Department of Licensing or federal Social Security
26 Administration, with or without seeking additional information or clarification

1 from the voter, the voter shall be registered to vote, effective as of the date of the
2 submission or receipt of the original application, unless there exists a separate
3 basis for concluding that the voter is ineligible to vote independent of the
4 matching process;

5 b. If Defendant is unable to match an applicant's driver's license number, state
6 identification card number, or last four digits of his or her social security number,
7 but the applicant presents or submits to an election official an alternative form of
8 identification acceptable under RCW 29A.44.205, the voter shall be registered to
9 vote, effective as of the date of the submission or receipt of the original
10 application, unless there exists a separate basis for concluding that the voter is
11 ineligible to vote independent of the matching process;

12 c. If an applicant does not become registered to vote under either paragraph (1)(a) or
13 (1)(b) above, unless there exists a separate basis for concluding that the applicant
14 is ineligible to vote independent of the matching process, then the applicant shall
15 be provisionally registered to vote. All voters provisionally registered pursuant to
16 this paragraph shall be promptly notified in writing of this provisional status, of
17 the need to provide additional documents or information, and of the relevant
18 deadlines. They shall be included in the official rolls of registered voters
19 maintained by the state and in all electronic or paper copies used for election
20 administration purposes, but their provisional status may be flagged to indicate
21 that identification is still required before their votes may be counted. All voters
22 provisionally registered pursuant to this paragraph shall be permitted to cast a
23 ballot in any primary or election;

24 d. No ballot cast pursuant to paragraph (1)(c) above shall be tabulated or regarded as
25 containing valid votes for any office or measure until the Defendant receives
26 information or the voter presents or submits documentation sufficient to register

1 the voter as described in paragraph (1)(a) or (1)(b) above. The Defendant is not
2 required to tabulate votes cast pursuant to paragraph (1)(c) above, or treat them as
3 properly cast votes for any office or measure unless the Defendant receives
4 information or the voter presents or submits documentation sufficient to register
5 the voter as described in paragraph (1)(a) or (1)(b). Upon receipt of such
6 information or documentation by an election official, the ballot shall be tabulated
7 and the voter shall be registered as a fully active registered voter, effective as of
8 the date of the submission or receipt of the original application.

9 e. Nothing in this Order shall be construed to require the Defendant to maintain a
10 voter in provisional status on the state's voter registration list after two federal
11 general elections have been conducted since the date of the original application.

12 2. This Order constitutes a final order and judgment pursuant to Rule 54 resolving
13 the merits of this action. The parties stipulate to the entry of this Order in full and final
14 resolution of all claims and issues presented in this action, except claims for costs and
15 attorney fees. The parties mutually agree that they will not appeal this Stipulated Final Order
16 and Judgment to any court. This Court retains jurisdiction of this action to enforce the terms
17 of this Order, and to adjudicate claims for costs and attorney fees.

18 IT IS SO ORDERED.


19 DATED this ____ day of March, 2007.


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22 UNITED STATES DISTRICT JUDGE
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1 SUBMITTED jointly this 15th day of March, 2007, by:

2 HILLIS CLARK MARTIN &
3 PETERSON, P.S.

ROBERT M. MCKENNA
ATTORNEY GENERAL

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